

REMARKS

By this amendment, without prejudice or disclaimer, claims 27, 36, and 54 have been amended, and claims 6 and 47 have been canceled. As such, claims 2-5, 7, 27, 36, 44, 46, and 48-54 remain pending in this application. No new matter has been added.

The Office has rejected claims 44 and 52 as being anticipated by Sprenger et al. (U.S. Patent No. 5,483,042), claims 2-7, 27, 36, and 46-51 as being unpatentable over Sprenger et al. in view of Vejchoda (U.S. Patent No. 5,669,156), and claims 53 and 54 as being unpatentable over Sprenger et al. in view of Hill (U.S. Patent No. 2,475,895).

Applicants respectfully submit that claim 27 (amended to incorporate the features of dependent claim 6) is patentable over the above cited references, as claim 27 recites features not taught or rendered obvious by these references, either individually or in combination. For example, claim 27 recites an upper guide plate having an inlet end portion that extends transverse to an intermediate portion of the upper guide plate, and a lower guide plate having an inlet end portion that extends parallel to an intermediate portion of the lower guide plate. The Office has not identified a portion of either Sprenger or Vejchoda that teaches this feature, and Applicants were unable to locate such a teaching in their review of the references. Sprenger describes retaining walls 502, 504 and tubes 120 that are longitudinally uniform, with no transversely extending inlet end portions. Similarly, Vejchoda describes flat guide panels 126, 128 that do not include transversely extending inlet end portions. As such, claim 27 as amended is patentable over the above cited references, and is believed to be in condition for allowance. Claims 2-5, 7, and 46 are also believed to be in condition for allowance, at least based on direct or indirect dependence from claim 27.

Applicants further submit that claim 36 (amended to incorporate the features of dependent claim 47) is patentable over the above cited references, as claim 36 recites features not taught or rendered obvious by these references, either individually or in combination. For example, claim 36 recites upper and lower guide plates that at least partially define a passage having an inlet opening with a funnel-shaped configuration that is adapted to admit and align any misaligned workpieces moving into said inlet opening of said passage. In rejecting claim 47, the

Office asserted that Sprenger discloses upper and lower plates that may take the form of a tube 120 (Fig. 1) that acts as a funnel to align the loads in the inlet passage 510 (Fig. 5). The portion of the specification cited by the Office Action (col. 8, lines 20-23), however, does not describe a funnel-shaped tube or even use of the tube 120 as a funnel to align loads, but rather describes use of a tube to allow for wrapping of induction coils for inductive heating. Nowhere in Sprenger, or in the other applied references, is there a teaching or suggestion that a guide plate be funnel-shaped to admit and align misaligned workpieces, as recited in claim 36. As such, claim 36 is patentable over the above cited references and is believed to be in condition for allowance. Claims 48-51 are also believed to be in condition for allowance, at least based on direct or indirect dependence from claim 36.

Applicants further submit that claim 44, as previously pending, is patentable over the applied reference, as claim 44 recites features not taught by Sprenger. For example, claim 44 recites a mechanism releasably supporting an upper guide plate on a frame whereby the upper guide plate is slidable longitudinally along said frame to enable removal of the upper guide plate from a separator. The portion of the Sprenger specification cited in the Office (col. 8, lines 23-32) in its rejection of claim 44, however, does not describe the removability of retaining walls 502, 504 (identified in the Office Action as guide plates), but instead describes how pole pieces 618, 636 may be eliminated from the disclosed magnetic separator in an embodiment in which retaining walls 502, 504 take the form of a tube, and induction coil is wrapped around the tube. Applicants were unable to locate a teaching of slidably removable guide plates in their review of Sprenger. As such, claim 44 is patentable over the applied reference and is believed to be in condition for allowance. Claims 52-54 are also believed to be in condition for allowance at least based on direct or indirect dependence from claim 44.

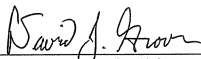
Further, dependent claim 53 is also patentable on its own merits, as claim 53 recites additional features not taught or rendered obvious by the applied references, either individually or in combination. For example, claim 53 recites a mechanism releasably supporting the upper guide plate comprising an L-shaped slot. In rejecting claim 53, the Office asserted that Hill shows a winding machine with a guideplate (guide 52) that can be released by a pin 52a at a slot 33a, and that it would have been obvious to modify Sprenger to use the pin and slot of Hill for a

mechanism releasably supporting the guide plate, and that it further would have been obvious to modify the slot in any shape in order to suit the user application. However, even assuming a modification of the magnetic separator of Sprenger using the teachings related to the winding machine of Hill would be obvious, Applicants respectfully point out that the sliding pin 52a and slot 33a arrangement of Hill is provided to allow for pivotable movement of the guide 52 toward the package of wound material (see col. 3, lines 57-75, and Figs. 3 and 5). Hill does not describe the guide 52 as being longitudinally slidable. As such, Hill would at most teach one of ordinary skill in the art to provide a pin and slot mechanism for pivotable movement of the retaining walls 502,, 504 of Sprenger, and not for the slidable movement recited in dependent claim 53 (as incorporated from base claim 44). As such, claim 53 and dependent claim 54 (which depends from claim 53) are also believed to be in condition for allowance based on this additional feature.

It is respectfully submitted that all of the above listed claims are now patentable, and favorable reconsideration is respectfully requested.

Respectfully submitted,

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